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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

IRAQ

1. The Committee considered the second periodic report of Iraq on articles 13-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/7/Add.15) at its 11th and 14th meetings held on 9 and 10 May 1994 and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee takes note that despite the serious situation in the country the Government has been able to present its report and send a delegation to engage in a dialogue with the Committee. At the same time the Committee regrets that the information provided in the report was insufficient and that the representatives of the State party were unable to provide answers to a number of concerns raised. The Committee takes note of the delegation's willingness to provide it with written information on those issues.

3. The Committee also recognizes that the situation in Iraq is being closely followed by various United Nations bodies, including the Commission on Human Rights, the General Assembly and the Security Council and the Committee takes note of the reports emanating from and resolutions adopted by such bodies.

1/ At its 26th and 27th meetings (tenth session) held on 19 and 20 May 1994.

In this regard, it notes that although the Law for the Autonomous Region (in the North) exists its implementation has been suspended since 1974. Similarly, the Committee takes due note of the request contained in, inter alia, Commission on Human Rights resolution 1993/74 that a human rights monitoring team be accepted by the State party and suggests that the mandate of such a team include monitoring the implementation of the rights provided for under the present Covenant, including its articles 13 to 15.

B. Positive aspects

4. The Committee takes note of the State party's policy to provide education at all levels free of charge and to enhance the provision of education in remote areas, through the awarding of additional allowances to teachers serving in those areas.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee is aware that problems caused by long periods of war and their aftermath have hampered the implementation of the Covenant in the State party.

D. Principal subjects of concern

6. The Committee is deeply concerned that the measures being taken by the State party are not sufficient to avoid continued suffering, and even greater deprivation of the economic, social and cultural rights, of the Iraqi people. The Committee is of the opinion that whatever the difficulties caused by the economic embargo, the States parties should none the less do everything possible to promote the realization of the Covenant to the maximum of its available resources.

7. In addition, the Committee considers that sufficient attention has not been given to the implementation of article 2 of the Covenant, as it relates to non-discrimination, in respect of the policies and measures adopted to promote and protect the economic, social and cultural rights, provided for under articles 13 to 15 of the Covenant, of all persons within the jurisdiction of the State, including, in particular, women and persons belonging to various cultural groups.

8. The Committee notes the lack of information on the implementation of the provisions of article 13, paragraph 1, specifically in respect to human rights education.

9. In connection with the implementation of article 13 of the Covenant, the Committee wishes to emphasize the fundamental importance of according equal priority to the education of women, including with regard to the eradication of illiteracy.

10. The Committee expresses its dissatisfaction at the lack of available statistical and other data which would assist in determining the extent of equality of educational opportunity existing within the country for various sectors of the Iraqi population.

11. The Committee is seriously concerned at reports it has received of infringements of academic freedom within the State party.

12. The Committee is alarmed at information brought to its attention concerning the destruction of the cultural heritage of religious communities and minorities.

13. Equally, the Committee is concerned that clarification remains to be given by the State party as to the compatibility of the steps taken by the Government in its exercise of control over the choice and broadcasting of minority language radio programmes with the implementation of the provisions of the Covenant, including its article 15, paragraph 2.

14. Moreover, the Committee is concerned at the reports brought to its attention of the adverse impact of recent drainage programmes in areas inhabited by "Marsh Arabs" on the community's ability to conserve its culture and traditional lifestyle and to exercise its right to education.

E. Suggestions and recommendations

15. The Committee is of the view that further measures are required to ensure the effective monitoring and implementation of the rights provided for under articles 13 to 15 of the Covenant. In this regard attention is drawn to the contents of General Comment 3 of the Committee and to the obligation of States parties to take the necessary steps to the maximum extent of resources for the implementation of the rights provided for under the Covenant.

16. The Committee requests to provide full information in the next report on the measures taken to implement article 13, paragraph 1 of the Covenant, in particular in relation to human rights education.

17. The Committee also recommends that the State party adopt the necessary measures to accord greater priority to the education of women, including the eradication of female illiteracy.

18. The Committee would appreciate receiving statistical data and other information relating to the admission and graduation of students, particularly of those belonging to religious and ethnic minorities and communities, within different higher educational establishments over the last three years.

19. The Committee would also appreciate receiving written information regarding the situation of the "Marsh Arabs", the closure of a Shiah college of jurisprudence and other concerns raised during the dialogue with the State party which remained unanswered. In this regard, the State party should refer to the present concluding observations and the summary records of the dialogue with the Committee. Finally, the Committee requests that this information be submitted to it by 30 September 1994.